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Holder of License No. **31278**
For the Practice of Allopathic Medicine
In the State of Arizona.

INTERIM CONSENT AGREEMENT FOR PRACTICE RESTRICTION

Allan L. Rowley, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 31278 for the practice of allopathic medicine in the State of Arizona.
3. The Board initiated case number MD-14-0935A after receiving a self-report from Respondent that he may have a substance abuse problem.
4. Respondent subsequently met with the Board's Physician Health Program ("PHP") monitor and admitted that he was confronted by colleagues at the surgery center where he works and was asked to obtain a drug screen due to suspicion of impairment.
5. The PHP monitor found that Respondent is currently unsafe to practice and recommended further treatment.

6. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that the interim consent agreement to restrict Respondent's practice is appropriate.

7. The investigation into the impairment issue is pending and will return to the Board promptly upon completion for review and action.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. Pursuant to A.R.S. §§ 32-1405(C)(25) the Executive Director has authority to enter into a consent agreement when there is evidence of danger to the public health and safety.

3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an interim consent agreement when there is evidence that a restriction is needed to mitigate imminent danger to the public's health and safety. Investigative staff, the Board's medical consultant and the lead Board member have reviewed the case and concur that an interim consent agreement is appropriate.

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until he applies to the Board and receives permission to do so. Respondent may not request release from or modification of this Interim Consent Agreement for Practice Restriction until he has completed a Physician Health Program (“PHP”) assessment and any recommendations that arise as a result of the assessment including evaluation and treatment.

2. Once all of the terms and conditions of this Interim Consent Agreement have

1 been met, Respondent may request release from or modification of this Interim Consent
2 Agreement. The Board has the sole discretion to determine whether all of the terms and
3 conditions of this Interim Consent Agreement have been met and whether Respondent
4 has adequately demonstrated that he has addressed all of the issues identified in this
5 Interim Consent Agreement.

6 3. The Board retains jurisdiction and may initiate new action based upon any
7 violation of this Interim Consent Agreement, including, but not limited to, summarily
8 suspending Respondent's license.

9 4. Because this is an Interim Consent Agreement and not a final decision by
10 the Board regarding the pending investigation, it is subject to further consideration by the
11 Board. Once the investigation is complete, it will be promptly provided to the Board for its
12 review and appropriate action.

13 5. This Interim Consent Agreement shall be effective on the date signed by the
14 Board's Executive Director.

15 **RECITALS**

16 Respondent understands and agrees that:

17 1. The Board, through its Executive Director, may adopt this Interim Consent
18 Agreement, or any part thereof, pursuant to A.R.S. §§ 32-1405(C)(25) and A.A.C. R4-16-
19 504.

20 2. Respondent has read and understands this Interim Consent Agreement as
21 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement
22 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
23 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
24 by doing so agrees to abide by all of its terms and conditions.
25

1 3. By entering into this Interim Consent Agreement, Respondent freely and
2 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
3 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
4 any other administrative and/or judicial action, concerning the matters related to the
5 Interim Consent Agreement.

6 4. Respondent understands that this Interim Consent Agreement does not
7 constitute a dismissal or resolution of this matter or any matters that may be currently
8 pending before the Board and does not constitute any waiver, express or implied, of the
9 Board's statutory authority or jurisdiction regarding this or any other pending or future
10 investigations, actions, or proceedings. Respondent also understands that acceptance of
11 this Interim Consent Agreement does not preclude any other agency, subdivision, or
12 officer of this State from instituting civil or criminal proceedings with respect to the conduct
13 that is the subject of this Interim Consent Agreement. Respondent further does not
14 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
15 judicial review or any other administrative and/or judicial action, concerning the matters
16 related to a final disposition of this matter, unless he affirmatively does so as part of the
17 final resolution of this matter.

18
19 5. Respondent acknowledges and agrees that upon signing this Interim
20 Consent Agreement and returning it to the Board's Executive Director, Respondent may
21 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
22 it. Any modification of this original document is ineffective and void unless mutually
23 approved by the parties in writing.
24
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1 6. Respondent understands that this Interim Consent Agreement shall not
2 become effective unless and until it is signed by the Board's Executive Director.

3 7. Respondent understands and agrees that if the Board's Executive Director
4 does not adopt this Interim Consent Agreement, he will not assert in any future
5 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
6 bias, prejudice, prejudgment, or other similar defense.

7 8. Respondent understands that this Interim Consent Agreement is a public
8 record that may be publicly disseminated as a formal action of the Board, and that it shall
9 be reported as required by law to the National Practitioner Data Bank.

10 9. Respondent understands that this Interim Consent Agreement does not
11 alleviate his responsibility to comply with the applicable license-renewal statutes and rules.
12 If this Interim Consent Agreement remains in effect at the time Respondent's allopathic
13 medical license comes up for renewal, he must renew his license if Respondent wishes to
14 retain his license. If Respondent elects not to renew his license as prescribed by statute
15 and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-
16 3202), become suspended until the Board takes final action in this matter. Once the
17 Board takes final action, in order for Respondent to be licensed in the future, he must
18 submit a new application for licensure and meet all of the requirements set forth in the
19 statutes and rules at that time.
20

21 10. Respondent understands that any violation of this Interim Consent
22 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
23 formal order, probation, consent agreement or stipulation issued or entered into by the
24 board or its executive director under this chapter").
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4 Allan L. Rowley, M.D.

DATED: 7/29/14

5 DATED this 30th day of July, 2014.
6

ARIZONA MEDICAL BOARD

By 

8 C. Lloyd Vest, II
9 Executive Director

10
11 EXECUTED COPY of the foregoing e-mailed
12 this 30th day of July, 2014 to:

13 Allan L. Rowley, M.D.
14 Address of Record

15 ORIGINAL of the foregoing filed
16 this 30th day of July, 2014 with:

17 Arizona Medical Board
18 9545 E. Doubletree Ranch Road
19 Scottsdale, AZ 85258

20 
21 Arizona Medical Board Staff
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